

2016 -- S 2340

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LC004530
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO EDUCATION - CHILDREN WITH DISABILITIES

Introduced By: Senators Lombardi, DiPalma, Archambault, Conley, and Jabour

Date Introduced: February 10, 2016

Referred To: Senate Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-24-1 of the General Laws in Chapter 16-24 entitled "Children
2 With Disabilities [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is hereby
3 amended to read as follows:

4 **16-24-1. Duty of school committee to provide special education.** -- (a) In any city or
5 town where there is a child with a disability within the age range as designated by the regulations
6 of the state board of regents for elementary and secondary education, who is functionally limited
7 to such an extent that normal educational growth and development is prevented, the school
8 committee of the city or town where the child resides shall provide the type of special education
9 that will best satisfy the needs of the child with a disability, as recommended and approved by the
10 state board of regents for elementary and secondary education in accordance with its regulations
11 governing the education of children with disabilities.

12 (b) Notwithstanding any other federal or state law or regulation, the school committee
13 where a parentally placed child who has or develops a disability in private school resides, shall
14 provide the child with the same free and appropriate education as it provides to children in public
15 schools. These children shall have the same rights and remedies in the regulations of the board of
16 regents for elementary and secondary education governing the education of children with
17 disabilities as children in public school relative to initially determining eligibility, implementation
18 and/or any other rights and remedies relative to any special education services the child may be
19 eligible or receive from the public school district.

1 (c) For the purpose of this statute, a parentally placed child who has or develops a
2 disability in private school is defined as a child enrolled or placed in a private school by the
3 unilateral decision of his or her parents and without consultation of the public school district, who
4 either has, or at some point while at the private school is diagnosed with a learning disability.
5 Parents who unilaterally enroll their child in a private school are required to pay the tuition costs
6 related to the child's education that are unrelated to the child's disability, and the public school
7 district where the child resides is responsible for payment of the services related to the child's
8 disability as developed and determined in the child's individual education plan.

9 (d) For the purpose of this statute, a free and appropriate education is defined as special
10 education services and related services that:

11 (1) Are provided at public expense, under public supervision and direction, and without
12 charge;

13 (2) Meet all of the standards and requirements of the state of Rhode Island department of
14 education and requirements of the regulations of the board of regents for elementary and
15 secondary education governing the education of children with disabilities, which shall include
16 initial evaluation and determination procedures;

17 (3) Include preschool, elementary school or secondary school education in the state; and

18 (4) Are provided in conformity with an individualized education program that meets the
19 requirements of the regulations of the board of regents for elementary and secondary education
20 governing the education of children with disabilities.

21 (e) In those cases that an individual education plan has been adopted for a child and the
22 child moves to another town or city, the plan shall remain in effect until a new plan is adopted for
23 the child in the new town or city.

24 (f) To ensure that parents and guardians (hereinafter collectively referred to as "parents")
25 can participate fully and effectively with school personnel in the consideration and development
26 of appropriate educational programs for their child, a school committee shall, upon request by a
27 parent, provide timely access to parents and parent-designated independent evaluators and
28 educational consultants for observations of a child's current program and of any program
29 proposed for the child, including both academic and non-academic components of any such
30 program. Parents and their designees shall be afforded access of sufficient duration and extent to
31 enable them to evaluate a child's performance in a current program and the ability of a proposed
32 program to enable such child to make effective progress. The duration and extent of the
33 observation shall be based on the individual needs of the child. School committees shall impose
34 no conditions or restrictions on such observations except those necessary to ensure the safety of

1 children in a program, or the integrity of the program while under observation, or to protect
2 children in the program from disclosure by an observer of confidential and personally identifiable
3 education records in the event such education records are obtained in the course of an observation
4 by a parent or a designee. A school department may require a parent or parent-designee to sign an
5 agreement to hold confidential any information the parent or parent-designee may observe or
6 derive from tangible education records of any student other than the parent's own child. The term
7 "education records," as used in this section, means records and other tangible materials that
8 contain information directly related to a student, or any information derived from tangible
9 records, and maintained by a school department or its agents and employees. Failure to provide
10 access to a parent and/or their representative under this section shall be prima facie evidence that
11 the school committee did not allow the parent and/or their representative(s) to meaningfully
12 participate in the development of their child's educational placement and/or programs.

13 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
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- 1 This act would permit parents and experts retained by parents to observe the behavior of
- 2 a special needs child in the classroom for the purpose of evaluating the child's needs and progress.
- 3 This act would take effect upon passage.

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